



RESPONSIBILITY TO PROTECT IN MODERN WARFARE: A CRITICAL ANALYSIS

¹Sree Laxmi A J

²Postgraduate in Law

Abstract:

Throughout human history, conflict has been a persistent reality. As human civilization has advanced, so too have the means and methods of warfare. Today Artificial Intelligence has become a key component of modern warfare. Humanitarian intervention has been controversial both when it happens and when it has failed to happen. The concept of Responsibility to Protect was first presented in the report of the International Commission on Intervention and State Sovereignty in 2001. The R2P is a humanitarian imperative that arose from the international community's failure to prevent and respond to humanitarian crises. The then Secretary-General Kofi Annan, endorsed the emerging norm of R2P stating that there is a collective international responsibility which is exercisable by the Security Council authorizing military intervention as a last resort keeping in mind the seriousness of threat and the proportionality of the response in the event of genocide and other large-scale killing, ethnic cleansing and serious violations of humanitarian law which the Sovereign Governments have proved powerless or unwilling to prevent. The United Nations Secretary General outlined the three pillars of R2P implementation in 2009. In mass atrocity crimes technology can be used or abused for preventing or exacerbating the situation. The emergence of AI-centric warfare has raised significant challenges as that of autonomous decision making, cybersecurity risks etc. On the other hand, Artificial Intelligence also amplifies the effectiveness of humanitarian efforts by enhancing monitoring, early warning systems etc. R2P is crucial in ensuring that AI-centric warfare respects human life, dignity and international law. This research aims to contribute to the understanding of the significance, challenges and opportunities in implementing R2P in the era of AI-Centric warfare.

Keywords:

R2P, Artificial Intelligence, Warfare, Humanitarian law and International Law.

Introduction:

In the 21st century, the world is increasingly interconnected and technologically advanced. However, this era is also marked by armed conflicts that have far-reaching consequences, impacting individuals, communities and nations worldwide. The rapid advancement of technology has led to an increase in the development and deployment of Autonomous weapons, Cyber warfare capabilities, and other innovative military technologies. The

¹ International Law and Organisation

² Department of Legal Studies, University of Madras, Chennai, India

use of Artificial Intelligence in warfare is rapidly evolving and has become an important aspect of military strategy. With the increase in technological warfare, the consequences of conflict have also become more devastating, including increased Civilian casualties, widespread destruction of infrastructure, displacement of populations, difficulty in resettlement, long-term environmental damages, increased risk of nuclear proliferation, growing humanitarian crises, escalation of global tensions, etc. The ongoing conflicts between Israel and Hamas, as well as Russia and Ukraine, where we could find the usage of AI, have starkly depicted the catastrophic consequences of AI-Centric Warfare, highlighting the urgent need for international dialogue and regulation. It becomes the International community's responsibility to ensure that humanitarian laws and fundamental international laws, respecting human rights and dignity, are upheld and protected during humanitarian crises resulting from AI-Centric warfare. The Responsibility to Protect doctrine has its roots in the concept of humanitarian intervention, evolving as a framework to prevent and respond to the mass atrocities and protect vulnerable populations. The Responsibility to Protect is crucial when it comes to AI-Centric warfare due to the risk of increased mass atrocities, humanitarian crises, and also lack of accountability. AI-powered Autonomous systems can perpetuate harm, exacerbate civilian vulnerability, and erode International Humanitarian Law. To address these concerns, R2P must be adapted to prevent atrocities, ensure accountability, protect civilians, promote compliance with international law and to foster global cooperation on responsible use of AI in warfare.

R2P in the era of AI-Centric Warfare:

Responsibility to Protect:

The tragedies in Rwanda³ and the Balkans⁴ in the 1990s opened the forum for debate to the international community regarding the protection of human rights from gross and systematic violations. A question arose as to whether the intervention by the International community for humanitarian purposes affects the concept of sovereignty of that respective State. The concept of Responsibility to Protect was first presented in the report of the International Commission on Intervention and State Sovereignty (ICISS) which was set up by the Canadian Government in December 2001. The Commission had been formed in response to the then Secretary-General of the UN, Kofi Annan's question as to when the international community must intervene for humanitarian purposes⁵. The report regarding Responsibility to Protect had interpreted the concept of sovereignty as which not only gave the State the right to control its affairs but also conferred on the State the primary responsibility for protecting the people within its borders. We can attribute three major circumstances under which intervention may be necessary. First, when the State fails to protect its people due to its lack of abilities. Second, when the State fails to protect its people due its lack of willingness and third, when the State itself is the perpetrator.⁶

The then Secretary-General Kofi Annan had set up a High-level Panel on Threats, Challenges and Change in 2004 which endorsed the norm of R2P. It was mentioned in that, that, there was a collective international responsibility

³ *The Prosecutor v. Jean-paul akayesu Case No. ICTR-96-4-T*

⁴ Agence France-Presse, 'The 1990s Balkan Wars in Key Dates' (Voanews, 22 November 2017) <https://www.voanews.com/a/timeline-of-balkan-wars/4129662.html> accessed 01 March 2025

⁵ <https://www.un.org/sg/en/content/sg/speeches/2004-04-07/address-kofi-annan-commission-human-rights> accessed 28 February 2025

⁶ The Department of Public Information, *Outreach Programme on the Rwanda Genocide and the United Nations*, www.un.org/preventgenocide/rwanda March 2014

which was exercisable by the Security Council to authorize military intervention as a last resort, in the event of genocide and other large-scale killings, ethnic cleansing and other serious violations of International Humanitarian Law which the Sovereign Governments have proved powerless or unwilling to prevent.⁷ In the then Secretary-General Kofi Annan's report, "In larger freedom" a list of criteria was proposed for the authorization of the use of force in general, such as seriousness of the threat, proportionality, chance of success, etc. The concept of R2P also includes the Responsibility to Prevent, Responsibility to React and the Responsibility to Rebuild.

AI-Centric Warfare:

There is no human history without conflicts. Right from the Stone Age to today's era of Artificial Intelligence, there exist conflicts among human beings in one way or the other. With the progress in technology, the means and methods of warfare also changed. During primitive times, weapons made out of stone, iron, etc, were used. With the invention of gunpowder in the 9th century, we could find the developments of the gun technology. Similarly, when we look into the World War II for the first time, atomic bombs were used. It also posed the drastic repercussions of such nuclear weapons and the International community then felt the strong need to regulate it. Likewise, The following are some of the areas where Artificial Intelligence is used.

Autonomous Weapons:

Autonomous Weapons can be defined as any weapon system with autonomy in its critical functions, that is, a weapon system that can select (search for, detect, identify, track or select) and attack (use force against, neutralize, damage or destroy) targets without human intervention.⁸

Cyber warfare:

Significance of R2P in the era of AI-Centric Warfare:

The significance of R2P in AI warfare can be understood from several perspectives. Some of them are discussed below.

Protection of Civilians:

The term civilian is defined as, "A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 A 1), 2), 3) and 6) of the Third Convention and in Article 43 of the Additional Protocol I to the Geneva Conventions. And also if there is a doubt as to whether a person is a civilian or not, even then that person has to be considered as a civilian."⁹ Also there are provisions regarding protection of Civilian Population in the Geneva Conventions and its Additional Protocols. As discussed earlier in the modern warfare we have the deployments of Autonomous Weapons System, Cyberwarfare, etc. introduces new challenges for civilian protection. Cyber operations can disrupt essential services like health care, banking, water supplies and communication which affects the civilian population directly. There is also an increase in the role of Non-State

⁷ United Nations, 'Report of the High-Level Panel on Threats, Challenges and Change' (2 Dec 2004)
<https://www.un.org/peacebuilding/content/more-secure-world-our-shared-responsibility> accessed on 25 February 2025

⁸ Neil Davison, 'A legal perspective: Autonomous Weapon systems under international humanitarian law'

⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of International Armed Conflicts (Protocol I), of 8 June 1977, Article 50

Actors. We also have a concept of Asymmetric Warfare which is gaining momentum. There are also concerns regarding the violations of basic humanitarian principles such as that of proportionality, precaution and distinction.

Principle of Distinction:

The basics principles on how a war can be fought clearly lays down the protection of two kinds of people, first, those who are not fighting, second, those who are not able to fight (hors de combat). To achieve this a distinction should be made as to who and what should be attacked and who and what should be spared and protected. Civilians can never be targeted as doing so becomes a war crime. Every possible care must be taken to avoid harm to civilians or destroying things essential for their survival.

The AI driven mechanisms for instance, Autonomous weapons may not be capable of distinguishing between Civilians and Combatants. Thus the States should come forward in ensuring that the doctrine of Responsibility to Protect is successfully implemented when required in order to prevent the mass atrocities which can be committed by such AI-driven mechanisms. The main motto behind the concept of humanitarian intervention is to ensure that ordinary people are protected by the international community when their States were not able to do that during the times of conflict.

Accountability:

One major limitation when it comes to Artificial Intelligence in modern warfare is that of the accountability. A question arises as to who can be made accountable, the State or the officer or the machine. This is because of the fact that once AI starts operating on its own it is difficult to predict what its next move could be. Also when any such weapon systems ,for instance drones, are capable of being hacked the outcome is unpredictable. Through R2P the international community can come forward and ensure that not only the Right to react is exercised but also the Right to prevent should be enforced. States, when they apprehend any such disastrous consequences relating from the same have the obligation to ensure that they come forward and prevent or mitigate the repercussions. Also technology transfer regarding the same can be made as it helps in protecting the vital interests of developing and least developed nations who may not have the required resources or know-how to predict the same.

Mass Displacement of People:

As discussed earlier with advancements in the means and methods of warfare the repercussions too are increased. It becomes a compelling event to displace the people from the sites which have been affected due to any of such use of force or due to the prediction that a particular place may be damaged during the course of a conflict. The States first have to undertake the preventive measures in ensuring no such devastating incidents take place. In the event of such incident happening then the States have to react in the most appropriate way.

Resettlement:

Normally once a conflict gets over , the next step to be taken is to ensure that the people who were displaced during the course of such events have to be resettled to their original places. But due to the heavy destruction caused using technology, it may be difficult to make resettlement as done in the traditional way. Here the States have to keep in

mind that component of R2P which is the Right to Rebuild. They have the responsibility to ensure that not only to tried to prevent and reacted with the aim of mitigating the harmful effects but they should also ensure that sustainable reconstruction and rehabilitation have been made.

The Post intervention obligations include Peace building, security and protection, justice and reconciliation and development. These obligations are important to ensure that the people who were affected are able to go back again to their normal routine.

Environmental Concerns:

The interface of environmental protection and R2P doctrine in AI-driven warfare is an exigent issue. Warfare driven by AI can entail horrific environmental effects such as disruption of natural ecosystems, pollution, and climate wreaking havoc. Moreover, degradation of the environment simply exacerbates humanitarian crises with respect to displacement, famine, and disease. It is the responsibility of the States to protect the people from such devastating circumstances. Environmental degradation can have long-lasting and far-reaching consequences for human security, including the destruction of livelihoods, the displacement of communities, and the exacerbation of social and economic inequalities. By integrating environmental protection into R2P frameworks, we can promote a more sustainable and equitable approach to humanitarian protection, one that prioritizes the well-being of both people and the planet.

Five Protection Tasks:

The first is the protection of minorities. This operational challenge is particularly pertinent where there are ethnic majorities in the places where civilians ought to return. In post-conflict situations, revenge killings and also reverse ethnic cleansing are prominent. So efficient measures have to be taken to prevent such atrocities. The second major protection task is security sector reform. The third main task is disarmament, demobilization, and reintegration. The fourth task is with respect to mine action and the fifth related to the pursuit of war criminals.¹⁰

Challenges:

Norm of Non-Intervention:

The concept of non-intervention is being legitimately followed by the States in pursuance of their international relations. It is because the non-intervention and sovereignty are considered to go hand in hand. The principle of sovereign equality is enshrined in the Article 2.1 of the UN Charter. Internally Sovereignty signifies the capacity to make authoritative decisions with regard to the people and resources within the territory of the State. External Sovereignty can be attributed to that of the external activities of a State. The norm of non-intervention is enshrined in Article 2.7 of the UN charter. In international law, a sovereign State possesses exclusive authority to govern within its territorial boundaries, exercising total jurisdiction. Other States are obligated to refrain from interfering

¹⁰ The Canadian Government, *International Commission on Intervention and State Sovereignty (ICISS)* JZ6368.I157 2001 paras 7.42-7.49

in the internal affairs of a sovereign State. If this obligation is breached, the affected State retains the right to safeguard its territorial integrity and political independence.¹¹

Accountability:

When it comes to AI-Centric warfare the problem would be that of to whom can it be attributed. The concept of State Responsibility is the foundation for dealing with violations of International Humanitarian Law. The International Law Commission's Draft Articles on "Responsibility of States for Internationally Wrongful Acts" outlines the secondary rules. Though they are not legally binding, they are widely recognized as a part of the Customary International Law and therefore applicable to all States. Article 2 of the Draft Articles lays down that "there is an internationally wrongful act of a State when conduct, comprising an action or omission, is attributable to the State under international law and constitutes a breach of an International obligation of the State." Actions which constitute a wrongful use of weapons under International Humanitarian Law also leads to violation of a State's obligation. A State could be held liable if it violates the basic humanitarian principles such as that of distinction, proportionality and precaution. But in the case of AI-Centric warfare, the attribution of responsibility to the deploying State can be challenging due to the accountability gap associated with their use. This Accountability Gap also affects the Right to Rebuild. Ensuring Justice and Reconciliation is one of the important feature of Right to Rebuild. With the Accountability gap it becomes difficult to provide justice for it may not make the perpetrator State liable.

Right to Prevent:

Under Right to prevent we have the concept of early warning analysis. UN headquarters is often identified as the logical place to centralize early warning. There are two dimensional views in order to enforce the right to prevent, they are root cause prevention efforts and direct prevention efforts. As the name suggests under the root cause prevention efforts, the States try to address the root cause of the conflicts. We can also relate it to the theory of peace as propounded by Johan Galtung. He also emphasized to address the root causes of the conflict in order to ensure permanent peace and security.¹² Even root cause prevention has many dimensions. Essentially direct prevention measures also has the same compartments as that of political, diplomatic, economic, legal and military. The threat to seek or apply international legal sanctions has in recent years garnered momentum in order to act as an international preventive armory.

In AI-centric warfare, early warning systems (EWS) face numerous challenges that can impact their effectiveness. One of the primary concerns is data overload, where the vast amounts of data generated by AI-powered sensors and systems can overwhelm EWS, making it difficult to identify and respond to potential threats. Additionally, AI algorithms can misinterpret data, leading to false alarms or missed threats, which can have severe consequences in high-stakes military environments. Artificial Intelligence is loaded with a predetermined set of data derived

¹¹ The Canadian Government, *International Commission on Intervention and State Sovereignty (ICISS)* JZ6368.I157 2001 paras 2.7-2.10

¹² Johan Galtung, 'Peace Theory: An Introduction' January, 1986

from existing patterns. It may sometimes lead to a bias. Another significant challenge is cybersecurity risks, as EWS rely on complex software and connectivity, creating vulnerabilities to cyber attacks.

Right to React:

In AI-centric warfare, this principle is complicated by the speed and complexity of AI-powered decision-making. One major challenge is the speed of decision-making. It is because AI systems can process information and make decisions at a speed that far exceeds human capabilities. This can make it difficult to understand and respond to the AI-powered threats in a timely manner. Another challenge is transparency and explainability, as AI systems may not provide clear explanations for their decisions, making it difficult for humans to understand and respond to AI-powered threats. Additionally, accountability and responsibility become increasingly complex in AI-centric warfare, as it may be unclear as to who is responsible for AI-powered decisions and actions. The autonomy of AI systems also raises concerns, as AI systems may be able to operate independently, making decisions and taking actions without human oversight or control. Furthermore, cybersecurity risks and data integrity concerns can also impact the "Right to React", as AI systems rely on data and connectivity to operate.

Right to Rebuild:

AI-centric warfare creates substantial difficulties for the "Right to Rebuild" principle. The "Right to Rebuild" represents the fundamental principle allowing communities and individuals to restore their lives following a conflict. AI-centric warfare introduces complexity to the "Right to Rebuild" because autonomous weapons and cyber attacks alongside other advanced technologies create extensive destruction and disruption .

The major challenge lies in the extensive destruction and complex damage which AI-driven attacks can intensify. Autonomous weapons can create extensive damage to critical infrastructure, which makes community rebuilding efforts challenging. The disruption of essential services like healthcare and finance through cyber attacks creates significant recovery challenges for communities.

Opportunities:

So far we discussed the challenges in the era of AI-Centric Warfare with respect to the implementation of R2P. Nevertheless, we cannot ignore the advantages it could grant if the same technology is used effectively. For the effective prevention of conflict three essential conditions are being recognized. First, Early warning and analysis, second, preventive tool box, third , political will.

Early Warning and Analysis:

Artificial Intelligence can significantly contribute to early warning and analysis under the Right to Prevent. It helps in Monitoring and Analysis of Open-source data. The Technology could be used to analyze vast amounts of open-source data, even satellite imagery for instance to identify early warning signs of potential atrocities. Such analysis helps in preventing a further conflict from happening. We can use AI algorithms to recognize patterns and to detect anomalies in the data, which in turn helps to identify the potential threats and facilitates the authorities to take adequate preventive measures. AI powered predictive analytics helps in forecasting the likelihood of atrocities

based on historical data, demographic information and other factors. Artificial Intelligence also facilitates in understanding of the policy measures available that are capable of making a difference.¹³

Responsibility to React:

The Responsibility to protect implies above all a responsibility to react to situations of compelling need for human protection. When preventive measures fail to resolve or contain the situation, then interventionary measures by other members of the broader community of States may be required. The coercive measures may be political, economic or judicial measures. In extreme cases it may also include military measures. Sanctions inhibit the capacity of the States to interact with the outside world though it does not physically prevent it from carrying out actions within its borders. Various coercive measures may be taken such as the following:

Military Arena:

Arms embargoes are considered as an important tool of the Security council and the International Community. Such embargoes generally restrict the sale of the military equipment as well as its spare parts. This move helps in restricting and limiting the respective State in terms of arms and weapons. Also ending military co-operations and training programmes may be done. For instance, the State may be restricted to participate in any bilateral or multilateral military exercises. It also leads to a kind of military isolation.

Economic Arena:

Financial sanctions are commonly used by the international community to threaten a perpetrator or an aggressor State. For instance, the FATF blacklists the States which perpetrate terrorism. Other kind of sanctions and restrictions which affects the income generating activities may be made which in turn affects the economy of that particular country. Similarly, restrictions as to access to petroleum products may be made though it may also affect the civilians. Other instances include aviation bans, etc.

Political and Diplomatic Area:

Severance of diplomatic ties is one of the traditional way of showcasing discontent towards a State. Such an act is also permitted under the Vienna Convention on Diplomatic Relations.

Military Intervention:

In extreme cases military intervention is permitted. There are certain criteria which has to be fulfilled to make the military intervention a legitimate one. They are, right authority, just cause, right intention, last resort, proportional means and reasonable prospects.¹⁴

The Responsibility to Rebuild:

¹³ The Canadian Government, *International Commission on Intervention and State Sovereignty (ICISS)* JZ6368.I157 2001 paras 3.9-3.17

¹⁴ The Canadian Government, *International Commission on Intervention and State Sovereignty (ICISS)* JZ6368.I157 2001 paras 4.6-4.17

The responsibility to protect implies the responsibility not just to prevent and react but also to follow through and rebuild. Post-conflict peace building refers to the measures and actions taken at the end of a conflict to consolidate peace and prevent a recurrence of armed confrontation. An integrated peace building effort is needed to address the factors which had caused the conflict. Peacebuilding involves the creation or strengthening of National institutions, monitoring elections, promoting Human rights, providing for reintegration and rehabilitation programmes as well as creating conditions which facilitate development. AI can be used to facilitate the above-mentioned measures.¹⁵

Right Authority:

The bedrock of non-intervention principle is given in Article 2.4 of the UN charter which emphasizes that States shall refrain from the threat or use of force against another State. Article 2.7 prohibits the nations from intervening in matters essentially within the domestic jurisdiction. The Security Council is given the primary responsibility of maintaining International peace and security¹⁶. UN charter especially under Chapter VII provides exclusive power to the Security Council regarding enforcement measures to maintain international peace and security. For instance, the Libyan intervention in 2011 was authorized by the UN Security Council. But again the Security Council has the primary and not the sole or exclusive responsibility under the Charter as even the General Assembly is given the is vested with the responsibility. Certain times Security Council may not be able to function effectively due to the power of veto vested with it. Article 42 authorizes the Security Council, in the event that non-military measures prove inadequate the Security Council can resort to military measures. But when the Security Council fails to act then the General Assemble may come into play. Although the General Assembly lacks the power to direct that action to be taken, a decision by the General Assembly which if supported by overwhelming majority of member States in favour of action, it provides high level of legitimacy for an intervention which may subsequently encourage the Security Council to rethink its position. Thus, if the Security Council fails to deal within a reasonable time, it may be taken up by the General Assembly in Emergency Special Session under the Uniting for Peace procedure and also if the action is within the area of jurisdiction of a regional or sub-regional organization under Chapter VIII of the Charter, suitable steps may be taken accordingly.

Israel-Hamas Conflict (2023):

The use of force and humanitarian intervention in the Israel- Hamas war is a complex and contentious issue. Both sides have been accused of violating International Humanitarian Law with devastating consequences for civilians. The conflict has resulted in a severe humanitarian crisis in Gaza with thousands of civilians killed or injured. There was also destruction of critical infrastructures. The international community has a responsibility to protect civilians from the effects of war, including through humanitarian intervention. However the effectiveness of humanitarian intervention in the Israel-Hamas conflict is limited by the complexity of the issue and the lack of clear solution.¹⁷

¹⁵ The Canadian Government, *International Commission on Intervention and State Sovereignty (ICISS)* JZ6368.I157 2001 paras 5.1-5.21

¹⁶ Charter of the United Nations 1945, Article 24

¹⁷ Daniel Byman, 'A War They Both Are Losing: Israel, Hamas and the Plight of Gaza' (IISS June 2024) <https://www.iiss.org/online-analysis/survival-online/2024/06/> accessed 27 February 2025

AI warfare has taken a new dimension in this conflict. AI has been used by the Israeli defense forces in suggesting targets in Israel's retaliatory campaign to root out Hamas following the group's October 7 2023 attack. Programs such as "the Gospel", "Lavender", "Where's Daddy" are the instances of usage of Artificial Intelligence by the Israeli Defense forces.¹⁸ According to the IDF, Gospel is not used to identify human targets. Instead, it is limited to pointing intelligence analysts to information on "objects" that might qualify as military objectives. Gospel compiles, fuses and cross-references layers of information from different datasets to generate suggestions for intelligence analysts regarding the objects that have the potential to qualify as a military objective. Its Standard Operating Procedure is not publicly available, but an example of a requirement drawn from the U.S. practice is that identification as a potential military objective sometimes requires multiple independent sources of verification. IDF has emphasized that Gospel does not definitively determine an object to be a military objective, nor does it pick targets; the system does not assess potential collateral damage for a proportionality analysis or identify viable precautions in attack. Gospel simply generates suggestions as to objects that may qualify as military objectives for further assessment by an intelligence analyst. Lavender is a smart database that fuses and sorts information on individuals who might be members of Hamas or other organized armed groups. It does not independently identify individuals as members of organized armed group or direct participants in hostilities who are subject to attack under LOAC. Although Lavender seems to be useful in determining whether a particular individual is targetable, situations undoubtedly exist as with objects in which targetability is obvious. According to a report, during the first weeks of the war, the Israeli Army almost completely relied on Lavender to identify individuals and their homes for air strikes. Lavender had marked as many as around 37,000 Palestinians as "suspected militants" with links to Hamas.¹⁹ Human oversight was limited to just 20 seconds per target only to verify that the target was male before authorizing the bombing since female primary targets picked by the AI programme were considered to be a mistake as Hamas does not recruit women in its military wing. This programme was used despite knowing that it often made mistakes and that it often picked targets who had no connection to militant groups. The Israeli military systematically targeted individuals in their homes, typically at night when their entire families were present, rather than engaging them during military operations. This strategy was chosen because locating the individuals in their residence was easier. Additionally, automated systems, including one named "Where's Daddy?" were employed specifically to track these targeted individuals and carry out bombings when they were inside their family homes. As a result, numerous Palestinians, predominantly women, children, the elderly and other non-combatants, were killed by Israeli airstrikes due to decisions made by the AI programme.²⁰ Human Rights Watch found that four digital tools that the Israeli military is using in Gaza use faulty data and inexact approximations to inform military actions. The Israeli military's use of these digital tools risk Israeli forces violating international humanitarian law, in particular the laws of war concerning distinction between military targets and civilians, and the need to take all feasible precautions before an attack to minimize civilian harm.

¹⁸ Time Magazine, 'How Israel uses AI in Gaza-And what it might mean for the future of Warfare' <https://time.com/7202584/> accessed 1 March 2025

¹⁹ Lieber Institute, 'Israel – Hamas 2024 Symposium – The Gospel, Lavender, And The Law of Armed Conflict' <https://lieber.westpoint.edu/gospel-lavender-law-armed-conflict/> accessed 1 March 2025.

²⁰ Bappa Sinha, 'AI Kill-lists Drive Israeli Genocide in Gaza' (Peoples Democracy, 28 April 2024) https://peoplesdemocracy.in/2024/0428_pd/ accessed 02 March 2025

Human Rights Watch research indicates that the tools apparently rely on ongoing and systematic Israeli surveillance of all Palestinian residents of Gaza, including with data collected prior to the current hostilities in a manner that is incompatible with international human rights law. The tools use Palestinians' personal data to inform military actions like threat predictions, and the identification of targets. Some tools rely on machine learning, which is the use of computerized systems that can draw inferences from data and recognize patterns without explicit instructions.

It has not been possible to document when and where these digital tools are being used or the extent to which these tools have been used in conjunction with other methods of information and intelligence collection. Nonetheless the Israeli military's use of these tools, instead of helping to provide more accurate targeting and minimize civilian loss of life and property, may be exacerbating the risk to civilians and raises grave ethical, legal, and humanitarian concerns.²¹

Russia-Ukraine Conflict (2022):

The Russia-Ukraine war has raised significant concerns regarding the use of force and humanitarian intervention. Russia's invasion of Ukraine has been marked by indiscriminate attacks on civilian areas, attacking protected places such as hospitals and also widespread destruction of infrastructure. It has led to severe humanitarian crisis. Russia claimed that it had started the operation by taking the stand of self-defense. Russia's use of force in Ukraine has been widely condemned by the international community. In this war concerns have been raised regarding the politicization of humanitarian aid and need for neutral, impartial humanitarian intervention. Artificial Intelligence (AI) is emerging as a significant asset in the ongoing Russian-Ukrainian conflict. Specifically, it has become a key data analysis tool that helps operators and warfighters make sense of the growing volume and amount of information generated by numerous systems, weapons and soldiers in the field. As AI use continues to evolve, its application on the current Ukrainian and future battlefields will translate into more precise and capable responses to adversary forces, movements and actions. A key role of AI in Ukraine's service is the integration of target and object recognition with satellite imagery, prompting Western commentators to note that Ukraine has an edge in geospatial intelligence. AI is used to geo-locate and analyze open-source data such as social media content to identify Russian soldiers, weapons, systems, units or their movements. According to public sources, neural networks are used to combine ground-level photos, video footage from numerous drones and UAVs, and satellite imagery to provide faster intelligence analysis and assessment to produce strategic and tactical intelligence advantages.²²

R2P: Principles of Military Intervention

For a military intervention to be legitimate, it should be done for a cause which is just. For example, military intervention may be carried out to prevent large scale loss of life, ethnic cleansing etc. The main purpose of the intervention should be to halt or avert human suffering. It should be done with a right intent. The military

²¹ Human Rights Watch, 'Questions and Answers: Israeli Military's Use of Digital Tools in Gaza' (10 September 2024) <https://www.hrw.org/news/2024/09/10/> accessed 02 March 2025

²² Samuel Bendett, 'Roles and Implications of AI in the Russian-Ukrainian Conflict' (Center for a New American Security, 20 July 2023) <https://www.cnas.org/publications/commentary/> accessed 27 February 2025

intervention should be made only when all other possibilities and alternatives have been exhausted and military intervention seems to be the last resort. Likewise, the scale, duration and intensity of the planned military intervention should be the minimum necessary to secure the defined human protection objective. Also before intervention it should be ensured that there is a reasonable chance of success in halting or averting the suffering and that the consequences of action is not likely to be worse than the consequences of inaction.

The Operational Dimension:

The context in which intervention operations take place also has important operational significance. There has to be preventive operations which can either be in the form of preventive deployment or in the form of a preventive operation where military resources are deployed without an actual intervention on the territory of the targeted State. The Military intervention should be carefully planned keeping in mind the related factors. Steps should be taken to facilitate coalition building. A clear and unambiguous mandate is also required for conducting the operation effectively. Also any operation to protect requires adequate resources which is indispensable for success of the respective operation.

While carrying out military intervention the command structure, civil-military relations, rules of engagement, the applying force, etc. should be kept in mind. Modern communications and media coverage also have an impact on enforcement of the operation.²³

Conclusion:

The combination of military technology advancements with humanitarian protection systems creates multifaceted challenges. The global community must enhance existing protection frameworks while adapting to new risks as modern conflict becomes more influenced by technological advancements. Successful application of R2P demands synchronization between technological innovation and international law within global governance structures. The global community needs to work together to create effective standards and accountability mechanisms which will direct technological advancements towards human well-being and the prevention of humanitarian crises .

Suggestions:

Technological advancement focused on human well-being will be essential for future progress. The development and application of technology in conflict situations require strong international standards and guidelines. The establishment of enhanced accountability mechanisms becomes essential to guarantee responsible behaviour. Global cooperation alongside diplomatic efforts play an essential role in conflict prevention and peaceful resolution promotion.

The complexities and potential benefits where humanitarian protection meets advanced military technologies require continued and joint efforts from State bodies, international organizations, and civil society groups to be fruitful. Effective humanitarian protection frameworks for promoting human well-being and preventing crises require joint efforts from multiple stakeholders. To ensure that the R2P is successfully implemented the factors

²³ The Canadian Government, *International Commission on Intervention and State Sovereignty (ICISS)* JZ6368.I157 2001 paras 7.1-7.41

such as political will, moral and ethical implications and financial factors have to be kept in mind and executed accordingly.

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